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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

August 7, 2012

Wayne Nielson
Nielson Construction
PO Box 620
Huntington, Utah 84528

Subject: Mining Activities Near US 191, Nielson Construction, Unpermitted Operations, Carbon County, Utah

Dear Mr. Nielson:

This letter is to confirm a verbal agreement made between Wayne Western of the Division of Oil, Gas and Mining and Bobby Peirce of Nielson Construction on August 1, 2012. Nielson Construction has been doing some work in Carbon county near US Highway 191 in Willow Creek Canyon about two miles southwest of the turnoff to Emma Park. This work included obtaining rocks from a stockpile created by the Utah Department of Transportation, but some rocks had been removed from adjacent undisturbed areas. Taking these rocks from the undisturbed area constitutes mining which would normally require filing of a notice of intention, a permit fee, and a reclamation surety.

Because of the short term nature of this project and because a very limited area was disturbed, the Division has agreed to not require a notice of intention under the following conditions:

1. No additional rocks are to be removed from undisturbed areas.
2. The disturbed areas must be reclaimed no later than October 31, 2012. Reclamation needs to include blending the disturbed areas with adjacent undisturbed areas followed by seeding.

Failure to follow these conditions may result in enforcement action including issuance of fines.

Please call me at 801 538-5261 or Wayne Western (lead) at 801 538-5263 if you have questions about this letter. Thank you for your cooperation.

Sincerely,

Paul Baker
Minerals Program Manager

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